

ENVIRONMENTAL QUALITY COMMISSION

EQC Field Trip and Regional Public Forum

August 18-19, 1999

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August 18 EQC Field Trip to Owensboro Municipal Utilities

The Environmental Quality hosted a field trip to the Owensboro Municipal Utilities (OMU) Drinking Water and Power Plant on August 18, 1999. Fifteen people were in attendance at the tour. OMU officials provided a tour of the drinking water plant. The plant produces 10 million gallons of drinking water a day. The plant has a capacity to produce up to 40 million gallons of water a day. The plant currently serves 24,000 homes. The source water comes from 35 120- to 150-foot wells. **The source water comes from 35 wells approximately 150 feet deep.

A tour of the OMU power plant was cancelled due to maintenance. However, plant officials provided a Power Point presentation and discussed operations at the plant. OMU officials noted that the plant serves 26,000 customers and is the largest municipal utility in Kentucky. The plant started operations in 1900. A 151-megawatt unit was added in 1964. Later, \$135 million was invested in scrubbers and low Nox burners on unit #1. The plant burns 1.3 million tons of coal per year. The plant also produces 3 byproducts; gypsum, bottom ash, and fly ash. Making commercial grade gypsum has alleviated OMU from having to landfill 160,000 tons of this waste per year. Instead, the company sells this product to companies in New Orleans and Alabama to be used in building supplies and other materials. OMU also sells its fly ash to concrete batch plants. Its bottom ash is used as a sandblasting abrasive and as grit on roofs.

A discussion of the burning of waste tires as fuel at the OMU power plant followed. OMU officials have expressed an interest in burning waste tires as a supplement to coal. A test burn revealed no environmental problems associated with burning the tires, according to OMU. The plant can burn 28

tons of waste tires a day--a third of the waste tires produced in the state. However, the company expressed reluctance at applying for waste incinerator permit required by the state. They noted that they are not interested in being considered a waste incinerator. They said that this is a waste-to-energy proposal and not an incinerator proposal. The company requested assistance from EQC regarding this matter.

August 19 EQC Public Forum, Hancock County High School

The Kentucky Environmental Quality Commission (EQC) held a public forum on August 19, 1999 at 7:00 p.m. at the Hancock County High School in Hawsville, Kentucky. Commissioners present were Chair Aloma Dew, Vice-Chair Betsy Bennett, Gary Revlett, and Serena Williams. EQC staff present was Leslie Cole, Scott Richards, Erik Siegel, and Frances Kirchhoff. There were approximately 75 people in attendance.

EQC Chair Aloma Dew called the meeting to order at 7:00 p.m. and introduced EQC Commissioners. Ms. Dew started the meeting with a 20-minute Power Point presentation of environmental trends and conditions in Kentucky based on the 1998-99 State of Kentucky's Environmental Report.

Ms. Dew next introduced a panel of experts to review environmental issues and needs in the region as follows:

- Water Quality – Don Hayes, Supervisor, Madisonville Field Office, Kentucky Division of Water
- Toxic Emissions – Doug Douglas, Kentucky Pollution Prevention Center
- Solid Waste – Larry Sosh, Hancock County Solid Waste Coordinator
- Animal Feeding Operations – Hugh Archer, Kentucky Department of Natural Resources and Bruce Scott, Kentucky Division of Water

Chair Aloma Dew first introduced Don Hays of the Division of Water. Mr. Hayes said that his office inspects/monitors the following permitted facilities:

- Daviess County – 89 facilities
- Hancock County – 23 facilities
- Oil and Gas permits – 504 in Daviess County, 94 in Hancock County

Mr. Hayes noted that he has seen improvements in water quality during his 33 years with the Division of Water primarily in response to investments made in wastewater treatment technologies. Mr. Hayes discussed the efforts of Owensboro and Daviess County to promote regionalization of wastewater facilities. He said the regional wastewater authority had developed a 10-year plan to address a number of issues including failing septic systems and the elimination of 54 point source discharges.

Other positive efforts in the region include a watershed initiative in the Green River basin. Mr. Hayes also reviewed the water supply and groundwater protection plans that have been developed in Daviess

County to protect drinking water supplies.

Mr. Hayes remarked that there are continuing water pollution problems in the region caused by combined sewer overflows, onsite sewage systems, package plants, oil and gas spills, agricultural runoff, open dumps, stream channelization, and abandoned mine lands.

Next, Chairperson Dew introduced Don Douglas of the Pollution Prevention Center in Louisville. The Kentucky Pollution Prevention Center (KPPC) provides pollution prevention and technical assistance to Kentucky businesses and industries. Services include on-site pollution prevention training, seminars and workshops, and applied research. All services are free, confidential, and non-regulatory.

Mr. Douglas indicated that the Toxic Release Inventory (TRI) tracks the off-site releases of specific chemicals to the air, water, and land. The inventory includes more than 640 different chemicals. Industries are required to report their releases based on their number of employees, SIC codes, and if they manufacture or use specified chemicals at certain levels.

Kentucky's total TRI releases since 1988 have decreased from 96.4 million pounds to 38.4 million pounds; a 60% reduction. Kentucky ranks 19th in the nation in 1997 for total TRI releases. Texas was number one with 250 million pounds.

OH #3 IN #9

TN #4 MI #14

IL #5 VA #16

The top counties for TRI releases in Kentucky are Jefferson followed by Marshall, Daviess, Hancock and Scott.

KPPC has conducted pollution prevention assessments at 14 companies in Hancock, Daviess and Ohio counties. The companies have ranged in size from 15 to more than 900 employees. KPPC has made recommendations that vary from low-cost and simple to very complex and expensive.

Kentucky manufacturers have made a lot of progress in reducing their TRI releases, according to Mr. Douglas. But there is always room for improvement. KPPC is available to help the manufacturers of the state reduce their waste production.

Ms. Dew next introduced Larry Sosh, the Hancock County Solid Waste Coordinator. Mr. Sosh spoke of efforts to promote solid waste management and recycling in Hancock County. Mr. Sosh recognized several of his co-workers who work specifically with illegal and open dumps, home composting, and other solid waste management. Hancock County has two basic recycling centers. One center recycles milk jugs, newspapers, and cans; the other is a transfer station.

Hancock County has also produced two videos with the help of local high school students. These videos have been used as an education tool and viewed at Chamber of Commerce meetings, Lion's Club meetings, and Senior Citizen's groups. Hancock County initiated a Tire Amnesty Program which took in more than 20 thousand Passenger Tire Equivalents, a Magazine Recycling Program, and a Telephone Book Drive targeting the Elementary Schools and one Middle School, with the winner being rewarded with a pizza party. Hancock County supports the River Sweep Project and participates in Commonwealth Cleanup Week by sponsoring a poster contest as well as publishing articles appealing to the citizens of Hancock County to do things to clean up their own areas. Aluminum can recycling boxes are placed in schools and white paper recycling is done in the school administration buildings.

Hancock County is trying to locate another recycling center in Lewisport to help the citizens in that area, according to Mr. Sosh. A booth at the county fair also allows direct contact with the public and promotes recycling. Mr. Sosh noted that the most important part of recycling is people--people who care and are interested in the environment and its future. He noted that Hancock County has come a long way, but still has a long journey ahead. The goal, according to Mr. Sosh, is to begin with each individual and go forward until each and every person--all individuals, businesses, churches, schools, and clubs--are involved in recycling.

Ms. Dew next introduced Hugh Archer, Commissioner of the Department for Natural Resources to discuss CAFOs. Mr. Archer began by recognizing the attendance of the Division of Conservation's Director, Steve Coleman and Ira Linville of the Department of Agriculture.

Mr. Archer stated the two livestock Best Management Practices (BMPs), 11 and 17, were recently passed by the Agricultural Water Quality Authority (AWQA) and will come into effect in 2001. Livestock BMP #11 details soil nutrient management minimum requirements associated with animal manure, commercial fertilizers, legume crops, crop residues and other organic wastes. Livestock BMP #17 focuses on poultry facility siting and land application of on-farm generated waste by-products.

Mr. Archer noted that Kentucky's soils are rich in natural phosphorus. Chicken waste (litter) is also high in phosphorus. Litter applications to land will deliver more phosphorus than the soil will be able to maintain, causing potential excess runoff into the streams and exceeding stream capacity. Producers need to examine beneficial reuse of the resource. However, there is no infrastructure in Kentucky to support this endeavor.

Mr. Archer said that Kentucky is made up of many small farms. Livestock operations are most likely to be Animal Feeding Operations (AFOs) and not the larger Confined Animal Feeding Operations (CAFOs). He said there is a real need for BMPs for these smaller farms. He also noted that Kentucky needs to promote better land use planning to prevent land use problems.

Mr. Archer indicated that the Department for Natural Resources plans to do more to help deal with animal waste through their cost-sharing program. He said \$9 million was requested last year by farmers

to help address environmental impacts.

Mr. Archer said that we also need more non-regulatory ways to increase the appropriate use of BMPs. These efforts must be led from the local level. Presently, the Division of Conservation works with all 121 local district boards and will continue to do so to promote better environmental practices. But, no ground can be achieved unless farmers realize that they impact the environment. Environmental regulations cannot do it all, as there are political and financial as well as other barriers. Mr. Archer noted that more farmer technical assistance and education is essential to progress. However, there are limits as to how much assistance and education the Natural Resources and Environmental Protection can provide, especially when it receives less than 1% of the total state budget.

Mr. Archer mentioned that the tobacco settlement money for Kentucky may help generate funds for farmers to deal with water quality issues. Part of the settlement may be put aside to help farmers, through cost-sharing, implement the best management practices as put forth in the Agricultural Water Quality Act.

Mr. Archer noted that odor is a problem with poultry and swine operations. However, no one knows for sure how to regulate odor. What equipment do we use What will be the standard Setbacks are often looked at as the solution. However, this brings up property rights issues like reverse condemnation. This is an issue that will not go away. Traditional crops such as tobacco are fading and farmers are increasing turning toward poultry as a solution.

Mr. Archer indicated that in Kentucky, most often farming operations are small in scale and are family-owned and we want to work with them to keep them thriving.

Other issues that need to be considered are:

- The fertilizer industry will not like the competition of free manure from poultry operations;
- Kentucky already has high phosphorus levels in the soils and the addition of poultry litter, which is high in phosphorus, needs to be addressed;
- Beef/Dairy operations are not addressed. Kentucky is the seventh leading state in the country in beef production;
- Lack of money to address the many issues concerned with livestock production; and
- That each operation needs a place-based, customized management plan. It is nearly impossible to fashion one-size fits all set of standards.

Ms. Dew next introduced Bruce Scott, Kentucky Division of Water in Frankfort. Mr. Scott reviewed the status of confined animal feeding operations. Mr. Scott noted that there were seven areas the state was working on in regard to cafos.

- Agriculture Water Quality Act – this act require the preparation of plans to protect water quality. The board recently approved Best Management Practices (BMPs) for CAFOs (see Hugh Archer's remarks).
- Groundwater Protection Plans – Mr. Scott said the Division of Water has released a generic groundwater protection plan for confined animal feeding operations less than 10 acres.
- CAFO inventory – Mr. Scott said the Division was inventorying CAFO operations.
- No discharge permit – Mr. Scott mentioned that all CAFOs are required to register with the division to determine if there is a water discharge from the facility.
- Strategies of the US EPA/USDA – Mr. Scott mentioned that the U.S. EPA has drafted a CAFO strategy to regulate these operations.
- Permits for CAFOs – Mr. Scott indicated that the state is considering requiring water discharge KPDES permits for certain size CAFO operations.
- Status of swine CAFO regulations – Mr. Scott said the state enacted regulations last year to address environmental problems associated with large swine operations. These regulations were rejected by a legislative committee and will expire at the end of the 2000 session.

The panel discussion was followed by remarks from the audience. Several members of the audience expressed their frustration with living near large poultry houses. One person commented that there are 82 poultry houses within a few miles of her home in McLean County and the odors, feathers, and pests were intolerable. She mentioned that one day she came home only to find her home covered with flies. Another commented that her child could not wait for the bus without getting ill from the odors emitted from nearby chicken houses. Another audience member said that they could not venture outside of their home without getting ill from the odor. Others commented that they fear their water wells have become polluted from waste from the spreading of chicken waste. Some expressed health concerns about histoplasmosis and other respiratory ailments caused by chicken waste. Many of those commenting expressed anger that state and local officials had been reluctant to address their concerns. One noted that dead chickens were heaped in piles and left to rot.

EQC Commissioners expressed concern regarding the lack of state action regarding the environmental and health impacts caused by the proliferation of poultry houses. In response, EQC unanimously passed the following resolution:

Kentucky Environmental Quality Commission

Resolution Regarding Confined Animal Feeding Operations

(note: the resolution was revised Oct. 20, 1999)

WHEREAS, Kentucky has witnessed a significant increase in the number of confined animal feeding operations (CAFOs) within the past few years, primarily in regard to broiler production which has increased from 22 million broilers in 1992 to 172 million in 1998 and is expected to increase to 231 million by the year 2001; and

WHEREAS, a number of Kentuckians who reside near CAFOs have voiced concerns to the Environmental Quality Commission regarding environmental, odor, public health, transportation, and quality of life issues associated with these operations; and

WHEREAS, many of these citizens have expressed frustration with the state's response to their concerns citing a lack of reasonable solutions as well as the unwillingness of some agencies to adequately enforce existing standards; and

WHEREAS, the authority to address CAFO issues is spread across several state agencies including the Cabinet for Public Health, Department of Agriculture, Natural Resources and Environmental Protection Cabinet, Transportation Cabinet, Labor Cabinet, Department of Local Government, Attorney Generals Office, and the Economic Development Cabinet; and

WHEREAS, these state agencies appear to be responding to CAFO issues in a piece-meal, uncoordinated, and inconsistent manner, adding to the public's frustration and anger; and

WHEREAS, more must be done in Kentucky to collectively assess CAFO issues and develop a comprehensive state approach to responding to and addressing these and other related concerns to assure all Kentuckians have the right to use and enjoy their property without threat to public health, safety, and quality of life.

Now be it resolved by the Environmental Quality Commission

1. That Governor Paul E. Patton assemble a **CAFO State Action Team** composed of top ranking officials in the:
 - Natural Resources and Environmental Protection Cabinet
 - Cabinet for Health Services
 - Transportation Cabinet
 - Economic Development Cabinet
 - Attorney Generals Office
 - Labor Cabinet
 - Department of Local Governments
 - Department of Agriculture

1. That Governor Paul E. Patton charge the action team to:

- Assess each agency's role and responsibility to address CAFO issues and identify mechanisms available within each agency to address the following:
 - a. Odors
 - b. Siting/land use
 - c. Water quality and other environmental issues
 - d. Integrator liability
 - e. Pests and health issues
 - f. Transportation of animals, waste, and feed
 - g. Farmer education and assistance
 - h. Worker safety
- Develop a CAFO State Action Plan to identify state agency roles and responsibilities and to ensure a consistent and coordinated response among agencies in regard to CAFO complaints and issues.
- Assess gaps and identify policy and program options to more fully address CAFO issues.

1. That Governor Patton also consider the following measures to help resolve some of the CAFO issues currently confronting the Commonwealth:

- Support a state law to focus on two key public policy CAFO issues -- integrator liability and quality of life issues (siting setbacks).
- Support implementation of Kentucky Pollutant Discharge Elimination System (KPDES) water permits for Concentrated Animal Feeding Operations as specified by the U.S. Environmental Protection Agency's AFO draft national strategy.
- Strengthen farmer education and technical/financial assistance programs related to CAFOs.
- Initiate a state certification program for certain size agricultural operations or individuals handling agriculture waste (nutrient management certification).
- Develop a strong, consistent and coordinated CAFO enforcement program within the Natural Resources and Environmental Protection Cabinet and other state agencies with purview over CAFO issues.

1. That this resolution be forwarded to Governor Paul E. Patton and Crit Luallen, Secretary of the Governor's Executive Cabinet, for consideration and response.

Submitted by the Environmental Quality Commission

Aloma Dew, Chair, Owensboro

Betsy Rudd Bennett, Vice-Chair, Lexington

Patty Wallace, Lousia

C.V. Bennett, III, Harlan

Robert Riddle, Midway

Gary Revlett, Shelbyville

Serena Williams, Louisville

Ms. Dew instructed staff to forward the resolution to the Governor and his Cabinet Secretary.

Ms. Dew thanked the panelists and the audience for attending the EQC public forum. The forum adjourned at 11 pm.

Signed _____

Date_____